

Executive Summary – Enforcement Matter – Case No. 42662
Chevron Phillips Chemical Company LP
RN103919817
Docket No. 2011-1807-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Chevron Phillips Chemical Company Cedar Bayou Plant, 9500 Interstate 10 East, Baytown, Harris County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2011-2293-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 17, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$72,748

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$36,374

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$36,374

Name of SEP: Houston Regional Monitoring Corporation - HRMC Houston Area Air Monitoring

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$2,450

Applicable Penalty Policy: September 2002

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Docket No. 2011-1807-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 25 through August 4, 2011

Date(s) of NOE(s): August 26, 2011

Violation Information

1. Failed to maintain a minimum net heating value of 300 British thermal units per standard cubic foot ("Btu/scf") on Flare CB-710 on August 27, 2009 [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 115.722(d)(1), 116.115(c), and 122.143(4); New Source Review Permit ("NSRP") Nos. 1504A and PSD-TX-748, Special Conditions ("SC") No. 11.A.; Federal Operating Permit ("FOP") No. O-02113, Special Terms and Conditions ("STC") Nos. 1.A. and 17; 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(3)(ii), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to report two deviations in the semi-annual deviation report dated February 25, 2010 for the August 1, 2009 through January 31, 2010 reporting period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A); FOP No. O-02113, General Terms and Conditions; and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the butadiene feedstock pump Unit ID No. 1592-72 hourly maximum allowable emission rate ("MAER") for volatile organic compounds ("VOC") [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4); NSRP Nos. 1504A and PSD-TX-748, SC No. 1; FOP No. O-02113, STC No. 17; and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to comply with the Furnace Unit ID Nos. BA-105 and BA-110 MAER for carbon monoxide ("CO") of 20.49 pounds per hour ("lb/hr") [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4); NSRP Nos. 1504A and PSD-TX-748, SC No. 1; FOP No. O-02113, STC No. 17; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at the Plant:

- a. By January 31, 2010, installed an automatic control system to increase methane flow to the flare CB-710 based on the Btu result from the on-line composition analyzer;
- b. By August 26, 2010, reported the two missed deviations and revised reporting procedures so that the leak detection and repair coordinator runs reports by deviation reporting period rather than standard quarters to ensure deviations are reported in the correct period;

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c. By March 31, 2011, installed a parallel set of carbon canisters and programmed the alarm at a VOC concentration of 90 parts per million (“ppm”), prior to reaching the permit limit of 100 ppm (which is the concentration equivalent of 0.02 lb/hr) to allow the operators time to switch to a clean set of canisters; and

d. By August 31, 2010, repaired an oxygen analyzer, programmed a new oxygen correction calculation, and added an alarm to the distributive control system console to provide additional information to operating personnel regarding CO emissions from the furnaces.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Miriam Hall, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-1044; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Van Long, Plant Manager, Chevron Phillips Chemical Company LP,
9500 I-10 East, Baytown, Texas 77521

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-1807-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Chevron Phillips Chemical Company LP
Penalty Amount:	Seventy-Two Thousand Seven Hundred Forty-Eight Dollars (\$72,748)
SEP Offset Amount:	Thirty-Six Thousand Three Hundred Seventy-Four Dollars (\$36,374)
Type of SEP:	Contribution to a Pre-approved SEP
Third-Party Recipient:	Houston Regional Monitoring Corporation
Project Name:	HRMC Houston Area Air Monitoring
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the **HRMC Houston Area Air Monitoring**. The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants including approximately 160 volatile organic compounds ("VOC"). Specifically, the Third-Party Recipient shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Chevron Phillips Chemical Company LP
Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the National Ambient Air Quality Standards. Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time VOC, nitrogen oxides, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation SEP
c/o Christopher B. Amandes, Vinson & Elkins, LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to complete the project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. The Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that the Project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	29-Aug-2011	Screening	29-Sep-2011	EPA Due	
	PCW	29-Sep-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Chevron Phillips Chemical Company LP				
Reg. Ent. Ref. No.	RN103919817				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	42662	No. of Violations	4
Docket No.	2011-1807-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$15,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **423.0%** Enhancement **Subtotals 2, 3, & 7** **\$63,873**

Notes: Enhancement for 29 NOVs with the same/similar violations, four NOVs with dissimilar violations, nine agreed orders with a denial of liability, and four orders without a denial of liability. Reduction for six Notices of Intent to conduct an audit and two Disclosures of Violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$3,775**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$818
Approx. Cost of Compliance \$8,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$75,198**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$75,198**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$72,748**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$72,748**

Screening Date 29-Sep-2011

Docket No. 2011-1807-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 42662

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Miriam Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	29	145%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 423%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 29 NOVs with the same/similar violations, four NOVs with dissimilar violations, nine agreed orders with a denial of liability, and four orders without a denial of liability. Reduction for six Notices of Intent to conduct an audit and two Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 423%

Screening Date 29-Sep-2011

Docket No. 2011-1807-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 42662

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (3), 115.722(d)(1), 116.115(c), and 122.143(4); New Source Review Permit ("NSRP") Nos. 1504A and PSD-TX-748, Special Conditions ("SC") No. 11.A.; Federal Operating Permit ("FOP") No. O-02113, Special Terms and Conditions ("STC") Nos. 1.A. and 17; 40 Code of Federal Regulations § 60.18(c)(3)(ii), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain a minimum net heating value of 300 British thermal units per standard cubic foot ("Btu/scf") on Flare CB-710 on August 27, 2009. From 6:00 a.m. to 6:59 a.m., the hourly average heating value was 121 Btu/scf.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

Notes

Corrective action was completed by January 31, 2010, and the NOE was issued on August 26, 2011.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$12,450

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 42662
Req. Ent. Reference No. RN103919817
Media Air
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment	\$500	27-Aug-2009	31-Jan-2010	0.43	\$1	\$14	\$15
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of installing an automatic control system to increase methane flow to the flare based on the Btu result from the on-line composition analyzer from the date of the violation to the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$15

Screening Date 29-Sep-2011

Docket No. 2011-1807-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 42662

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A); FOP No. O-02113, General Terms and Conditions; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report two deviations in the semi-annual deviation report dated February 25, 2010 for the August 1, 2009 through January 31, 2010 reporting period.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent met more than 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

177 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended for one incomplete report.

Good Faith Efforts to Comply

25.0% Reduction

\$25

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

Corrective actions were completed on August 26, 2010, and the NOE was issued on August 26, 2011.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$498

This violation Final Assessed Penalty (adjusted for limits) \$498

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 42662
Reg. Ent. Reference No. RN103919817
Media Air
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	2-Mar-2010	26-Aug-2010	0.48	\$12	n/a	\$12

Notes for DELAYED costs

The estimated cost of additional oversight from the due date of the original deviation report to the date corrective actions were completed. The leak detection and repair coordinator now runs reports by deviation reporting period rather than standard quarters to ensure deviations are reported in the correct period.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$12

Screening Date 29-Sep-2011

Docket No. 2011-1807-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 42662

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4);
NSRP Nos. 1504A and PSD-TX-748, SC No. 1; FOP No. O-02113, STC No. 17; and
Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the butadiene feedstock pump Unit ID No. 1592-72 hourly
maximum allowable emission rate ("MAER") for volatile organic compounds ("VOC").
Specifically, from September 3, 2009 through June 22, 2010, the VOC hourly MAER
of 0.02 pounds per hour ("lb/hr") was exceeded for 88 hours.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix
Notes

Human health or the environment has been exposed to an insignificant amount of emissions which
do not exceed levels that are protective of human health or environmental receptors as a result of
this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

10 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Four quarterly events are recommended for the period of non-compliance from September 3, 2009
to June 22, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

Corrective actions were completed by March 31, 2011,
and the NOE was issued on August 26, 2011.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$771

Violation Final Penalty Total \$49,800

This violation Final Assessed Penalty (adjusted for limits) \$49,800

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP

Case ID No. 42662

Reg. Ent. Reference No. RN103919817

Media Air

Violation No. 3

Percent Interest

Years of Depreciation

5.0

15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$7,000	3-Sep-2009	31-Mar-2011	1.57	\$37	\$734	\$771
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of installing a parallel set of carbon canisters and programming the alarm at a VOC concentration of 90 parts per million ("ppm"), prior to reaching the permit limit of 100 ppm (which is the concentration equivalent of 0.02 lb/hr) to allow the operators time to switch to a clean set of canisters from the date of the first violation to the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$7,000

TOTAL

\$771

Screening Date 29-Sep-2011

Docket No. 2011-1807-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 42662

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103919817

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4); NSRP Nos. 1504A and PSD-TX-748, SC No. 1; FOP No. O-02113, STC No. 17; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the Furnace Unit ID Nos. BA-105 and BA-110 MAER for carbon monoxide ("CO") of 20.49 lb/hr. Specifically, on February 1, 2010, the hourly MAER for Furnace Unit ID No. BA-110 was exceeded for two hours resulting in 36 pounds of excess CO emissions, and on February 19, 2010, the hourly MAER for Furnace Unit ID No. BA-105 was exceeded for one hour resulting in eight pounds of excess CO emissions.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 2 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

x

N/A

(mark with x)

Notes

Corrective actions were completed by August 31, 2010, and the NOE was issued on August 26, 2011.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$12,450

This violation Final Assessed Penalty (adjusted for limits) \$12,450

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 42662
Reg. Ent. Reference No. RN103919817
Media Air
Violation No. 4

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment	\$500	1-Feb-2010	31-Aug-2010	0.58	\$1	\$19	\$20
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost for repairing an oxygen analyzer, programming a new oxygen correction calculation, and adding an alarm to the distributive control system console to provide additional information to operating personnel regarding CO emissions from the furnaces. The Date Required is the first date of non-compliance. The Final Date is the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$20

Compliance History

Customer/Respondent/Owner-Operator:

CN600303614

Chevron Phillips Chemical Company LP

Classification: AVERAGE

Rating: 3.83

Regulated Entity:

RN103919817

CHEVRON PHILLIPS CHEMICAL CO
CEDAR BAYOU PLANT

Classification: AVERAGE

Site Rating: 8.57

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD003913381
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30091
WASTEWATER	PERMIT	WQ0001006000
WASTEWATER	EPA ID	TX0003948
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012335
AIR OPERATING PERMITS	PERMIT	3247
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0310V
AIR OPERATING PERMITS	PERMIT	2113
AIR OPERATING PERMITS	PERMIT	2114
AIR OPERATING PERMITS	PERMIT	2115
AIR OPERATING PERMITS	PERMIT	2370
AIR OPERATING PERMITS	PERMIT	3247
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	28477
WATER LICENSING	LICENSE	1012335
USED OIL	ID NUMBER	HOU00074
AIR NEW SOURCE PERMITS	REGISTRATION	52188
AIR NEW SOURCE PERMITS	REGISTRATION	54882
AIR NEW SOURCE PERMITS	REGISTRATION	54930
AIR NEW SOURCE PERMITS	REGISTRATION	75918
AIR NEW SOURCE PERMITS	REGISTRATION	75577
AIR NEW SOURCE PERMITS	REGISTRATION	55648
AIR NEW SOURCE PERMITS	REGISTRATION	75545
AIR NEW SOURCE PERMITS	REGISTRATION	75546
AIR NEW SOURCE PERMITS	REGISTRATION	56852
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0310V
AIR NEW SOURCE PERMITS	AFS NUM	4820100018
AIR NEW SOURCE PERMITS	PERMIT	1504A
AIR NEW SOURCE PERMITS	PERMIT	6517A
AIR NEW SOURCE PERMITS	PERMIT	7403A
AIR NEW SOURCE PERMITS	PERMIT	2462C
AIR NEW SOURCE PERMITS	PERMIT	19027
AIR NEW SOURCE PERMITS	REGISTRATION	24093
AIR NEW SOURCE PERMITS	REGISTRATION	32866
AIR NEW SOURCE PERMITS	PERMIT	37063
AIR NEW SOURCE PERMITS	REGISTRATION	38590
AIR NEW SOURCE PERMITS	REGISTRATION	40534
AIR NEW SOURCE PERMITS	REGISTRATION	41691
AIR NEW SOURCE PERMITS	REGISTRATION	44005
AIR NEW SOURCE PERMITS	REGISTRATION	44759
AIR NEW SOURCE PERMITS	PERMIT	46305
AIR NEW SOURCE PERMITS	PERMIT	46783
AIR NEW SOURCE PERMITS	REGISTRATION	48084
AIR NEW SOURCE PERMITS	REGISTRATION	49322
AIR NEW SOURCE PERMITS	REGISTRATION	50325
AIR NEW SOURCE PERMITS	REGISTRATION	71487
AIR NEW SOURCE PERMITS	EPA ID	PSDTX748
AIR NEW SOURCE PERMITS	REGISTRATION	71350
AIR NEW SOURCE PERMITS	REGISTRATION	71479
AIR NEW SOURCE PERMITS	REGISTRATION	71483
AIR NEW SOURCE PERMITS	REGISTRATION	71530
AIR NEW SOURCE PERMITS	REGISTRATION	50757
AIR NEW SOURCE PERMITS	REGISTRATION	50758
AIR NEW SOURCE PERMITS	REGISTRATION	50759
AIR NEW SOURCE PERMITS	REGISTRATION	52312
AIR NEW SOURCE PERMITS	REGISTRATION	72420
AIR NEW SOURCE PERMITS	REGISTRATION	70326
AIR NEW SOURCE PERMITS	REGISTRATION	53768
AIR NEW SOURCE PERMITS	REGISTRATION	53752
AIR NEW SOURCE PERMITS	REGISTRATION	53751

AIR NEW SOURCE PERMITS	REGISTRATION	54712
AIR NEW SOURCE PERMITS	REGISTRATION	72911
AIR NEW SOURCE PERMITS	REGISTRATION	56502
AIR NEW SOURCE PERMITS	REGISTRATION	50370
AIR NEW SOURCE PERMITS	REGISTRATION	74596
AIR NEW SOURCE PERMITS	REGISTRATION	74458
AIR NEW SOURCE PERMITS	REGISTRATION	75055
AIR NEW SOURCE PERMITS	REGISTRATION	77053
AIR NEW SOURCE PERMITS	REGISTRATION	78553
AIR NEW SOURCE PERMITS	REGISTRATION	78917
AIR NEW SOURCE PERMITS	REGISTRATION	80099
AIR NEW SOURCE PERMITS	REGISTRATION	87899
AIR NEW SOURCE PERMITS	REGISTRATION	90731
AIR NEW SOURCE PERMITS	REGISTRATION	95539
AIR NEW SOURCE PERMITS	PERMIT	83791
AIR NEW SOURCE PERMITS	REGISTRATION	92856
AIR NEW SOURCE PERMITS	REGISTRATION	96194
STORMWATER	PERMIT	TXR05Q341
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30091
POLLUTION PREVENTION PLANNING	ID NUMBER	P00134
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0310V

Location: 9500 INTERSTATE 10 E, BAYTOWN, TX, 77521

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 05, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 27, 2006 to September 27, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Miriam Hall Phone: (512) 239-1044

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 11/03/2006

ADMINORDER 2006-0528-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: Air Permit #1504A/PSD-TX-748, SC#1 PA

Description: Failed to prevent unauthorized emissions.

Effective Date: 01/12/2008

ADMINORDER 2007-0322-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: ChevronPhillips failed to report the date of the Incident No. 70394 correctly on the TCEQ Notification Form. The incident occurred on January 15, 2006, but was reported as January 15, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70394.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit 1504A, SC1 PERMIT

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70583.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit 1504A, SC 1 PERMIT

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70666.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Permit 1504A, SC 1 PERMIT

Description: Chevron Phillips-Cedar Bayou failed to prevent unauthorized emissions during Incident 70786.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 37063/Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 12/20/2008

ADMINORDER 2006-1960-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 1504A, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 19027 Special Condition 20(E) PERMIT

Description: Failed to properly seal open-ended lines.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 19027 SC 20(F), 20(G), 21(A) PERMIT

Description: Failed to monitor components that were in volatile organic compound service at the PEU-1796 Unit.

Effective Date: 12/20/2008

ADMINORDER 2005-0859-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 OP

Description: Failed to prevent unauthorized emissions during a October 25, 2004 emissions event, in violation of 30 Tex. Admin. Code §§ 116.115(c) 101.20(3), Air Permit No. 1504A PSD-TX-748, Special

Condition No. 1, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 8, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event that was discovered on November 29, 2004 and determined to have started on November 18, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1504A, PSD-TX-748, SC No. 1 PA

Description: Failed to prevent unauthorized emissions during a November 16, 2004 emissions event.

Effective Date: 02/08/2009

ADMINORDER 2007-1080-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 1504A, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1504A Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 03/12/2009

ADMINORDER 2008-0921-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 37063/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from Flare SYS-740 on January 15, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 46305/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from the Polyethylene Unit 1799 ("PEU-1799") Flare on February 9, 2008.

Effective Date: 03/23/2009

ADMINORDER 2008-1457-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 2462C/Special Condition 1 PERMIT

Description: The Respondent is alleged to have failed to prevent unauthorized emissions during Incident No. 108468.

Effective Date: 07/09/2009

ADMINORDER 2008-1927-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 37063/SPECIAL CONDITION 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 111058.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to report Incident No. 111058 within 24 hours after discovery.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 115, SubChapter H 115.722(c)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1504A/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 109537.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to report Incident No. 109537 within 24 hours after discovery.

Effective Date: 08/31/2009 ADMINORDER 2009-0428-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, 615 pounds of biphenyl were released from the Normal Alpha Olefins Unit, when the Respondent failed to keep watch at a Dowtherm pump during a filling operation leading to the release of emissions through an open valve.

Effective Date: 10/15/2010 ADMINORDER 2010-0410-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Chevron failed to prevent the trip of boilers BF-801A and C.

Effective Date: 02/05/2011 ADMINORDER 2010-0607-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to maintain VOC, NOx, and CO emissions below the rolling 12 month limit for flare CB-701. (Category A8(c)(2)(C)(i) violation - HPV)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 16C PERMIT

Description: Failure to maintain 95% uptime for NOx and CO CEMS for furnaces BA-101, BA-103, BA-104, BA-105, BA-106, BA-108, BA-109, BA-111, BA-112, and BA-113. (Category A12(i)(6) violation)

Effective Date: 03/07/2011 ADMINORDER 2010-1154-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: MAERT PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, Chevron failed to ensure proper lubrication of Compressor C-104 causing the compressor to shutdown and ultimately the unit.

Effective Date: 05/22/2011 ADMINORDER 2010-1845-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Chevron Phillips failed to prevent condensate from building up in the steam lines and the emissions being sent to an un-lit flare.

This violation was combined with violation track no. 413312.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 02/20/2007 (464696)
- 2 09/28/2006 (486905)
- 3 05/21/2007 (509420)

4	05/31/2007	(510231)
5	03/18/2009	(511787)
6	12/04/2006	(518861)
7	01/19/2007	(532509)
8	12/12/2006	(533185)
9	07/30/2007	(533377)
10	12/21/2006	(533938)
11	02/13/2007	(534351)
12	07/06/2007	(543644)
13	02/15/2007	(544358)
14	02/15/2007	(544359)
15	10/24/2006	(544360)
16	11/16/2006	(544361)
17	01/16/2007	(544362)
18	04/10/2007	(555531)
19	08/13/2007	(565766)
20	08/10/2007	(568519)
21	08/17/2007	(568619)
22	08/28/2007	(571092)
23	08/28/2007	(571093)
24	09/04/2007	(571264)
25	08/22/2007	(572958)
26	08/22/2007	(573015)
27	03/19/2007	(575061)
28	04/12/2007	(575062)
29	05/18/2007	(575063)
30	07/03/2007	(575064)
31	07/03/2007	(575065)
32	12/20/2007	(594047)
33	11/28/2007	(595536)
34	06/04/2007	(600126)
35	08/17/2007	(607514)
36	09/20/2007	(607515)
37	10/17/2007	(607516)
38	08/17/2007	(607517)
39	01/29/2008	(609276)
40	02/11/2008	(609284)
41	01/25/2008	(609372)
42	10/22/2008	(609658)
43	03/28/2008	(609856)
44	03/25/2008	(610630)
45	05/01/2008	(615845)
46	02/05/2008	(617290)
47	11/16/2007	(619443)
48	07/22/2008	(637042)
49	03/17/2008	(638930)
50	04/21/2008	(640952)
51	05/06/2008	(653978)

52	06/06/2008	(654083)
53	05/29/2008	(654086)
54	05/14/2008	(654461)
55	02/19/2008	(671951)
56	03/11/2008	(671952)
57	04/15/2008	(671953)
58	07/18/2008	(680367)
59	06/18/2008	(683282)
60	07/21/2008	(683729)
61	07/01/2008	(684287)
62	12/17/2008	(684989)
63	07/30/2008	(686471)
64	08/22/2008	(687059)
65	05/19/2008	(689871)
66	06/10/2008	(689872)
67	07/17/2008	(689873)
68	12/01/2008	(701390)
69	10/20/2008	(701391)
70	10/06/2008	(702554)
71	02/10/2009	(703395)
72	08/15/2008	(710645)
73	09/16/2008	(710646)
74	10/15/2008	(710647)
75	02/11/2009	(721112)
76	03/17/2009	(725485)
77	02/20/2009	(726788)
78	02/19/2009	(726947)
79	11/19/2008	(727418)
80	12/17/2008	(727419)
81	01/16/2009	(727420)
82	04/02/2009	(735904)
83	07/08/2009	(737095)
84	03/19/2009	(738012)
85	03/13/2009	(738474)
86	04/06/2009	(740829)
87	04/06/2009	(740833)
88	04/06/2009	(741331)
89	08/26/2009	(744253)
90	05/07/2009	(744346)
91	06/10/2009	(745042)
92	07/01/2009	(746197)
93	12/22/2009	(747534)
94	06/17/2009	(749383)
95	07/10/2009	(749535)
96	02/19/2009	(750176)
97	03/18/2009	(750177)
98	04/20/2009	(750178)
99	02/19/2009	(750179)

100	02/06/2009	(758946)
101	09/11/2009	(759038)
102	08/03/2009	(764244)
103	09/16/2009	(766140)
104	10/23/2009	(767508)
105	05/20/2009	(768290)
106	06/15/2009	(768291)
107	05/26/2009	(774848)
108	12/18/2009	(776419)
109	02/24/2010	(776596)
110	09/28/2009	(777649)
111	09/30/2009	(777769)
112	01/05/2010	(779731)
113	03/30/2010	(781136)
114	11/23/2009	(781525)
115	11/17/2009	(781626)
116	01/06/2010	(782277)
117	12/10/2009	(784904)
118	12/09/2009	(785104)
119	01/13/2010	(787984)
120	01/25/2010	(788325)
121	02/01/2010	(788923)
122	05/07/2010	(790365)
123	04/07/2010	(792262)
124	03/24/2010	(793957)
125	03/19/2010	(795113)
126	04/26/2010	(795840)
127	04/22/2010	(798156)
128	05/26/2010	(800984)
129	07/07/2010	(802128)
130	06/16/2010	(802154)
131	05/27/2010	(803556)
132	02/19/2010	(804439)
133	08/19/2009	(804440)
134	09/17/2009	(804441)
135	10/14/2009	(804442)
136	11/18/2009	(804443)
137	12/17/2009	(804444)
138	01/20/2010	(804445)
139	06/16/2010	(826504)
140	06/25/2010	(826665)
141	06/14/2010	(826928)
142	11/30/2009	(827781)
143	07/16/2010	(830313)
144	03/20/2010	(830799)
145	04/14/2010	(830800)
146	05/18/2010	(830801)
147	07/19/2010	(841484)

148	09/01/2010	(843697)
149	10/19/2010	(844282)
150	06/18/2010	(846241)
151	10/26/2010	(849362)
152	11/09/2010	(860416)
153	07/16/2010	(860837)
154	08/18/2010	(866801)
155	11/08/2010	(871059)
156	10/29/2010	(872353)
157	09/20/2010	(873874)
158	03/08/2011	(877580)
159	08/26/2011	(877745)
160	01/26/2011	(878113)
161	12/09/2010	(879915)
162	12/09/2010	(880170)
163	10/18/2010	(881475)
164	03/07/2011	(887798)
165	11/17/2010	(888006)
166	02/14/2011	(894980)
167	12/27/2010	(896208)
168	08/30/2011	(899791)
169	03/30/2011	(900039)
170	03/01/2011	(900922)
171	01/17/2011	(902279)
172	05/16/2011	(906101)
173	02/17/2011	(909053)
174	04/18/2011	(912758)
175	03/21/2011	(916317)
176	07/28/2011	(922486)
177	04/14/2011	(924758)
178	08/22/2011	(934143)
179	06/27/2011	(935328)
180	09/19/2011	(936665)
181	07/28/2011	(936808)
182	05/23/2011	(937997)
183	07/27/2011	(943461)
184	06/20/2011	(945321)
185	09/09/2011	(950771)
186	07/19/2011	(952595)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 09/28/2006 (486905)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
37063 Special Condition 1 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent unauthorized emissions.

Date: 02/13/2007 (534351)

Self Report? NO

Classification: Moderate

Citation: 19027/Special Condition 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failed to prevent unauthorized emissions.
 Date: 07/06/2007 (543644)
 Self Report? NO Classification: Moderate
 Citation: 2462C, SC # 17E PERMIT
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-02115, SC #12 OP
 FOP O-02115, SC #1A OP
 Description: Failure to cap or plug open-ended lines.
 Self Report? NO Classification: Moderate
 Citation: 2462C, SC #9 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-02115, SC #12 OP
 Description: Failure to maintain a 95% VOC destruction efficiency for H-3030 and ZZ-702 from November 1, 2005 to December 31, 2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)(i)
 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-02115, SC #1A OP
 Description: Failure to keep the parts washer lid closed on March 21, 2006 and again on April 20, 2006.
 Date: 08/10/2007 (568519) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 1504A Special Condition 10 PERMIT
 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failed to meet applicable opacity limit
 Date: 09/04/2007 (571264) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
 30 TAC Chapter 335, SubChapter E 335.112(a)
 30 TAC Chapter 335, SubChapter F 335.152(a)(8)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(1)(iii)
 Description: Secondary containment systems for hazardous waste storage Tank T-903 (NOR 035) was not free of gaps
 Date: 11/28/2007 (595536)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-02370 SC 5 OP
 NSR 46305 SC 8A PA
 Description: Failure to operate the process vent flare (Title V ID VE-9003; EPN 1799-20) at a heat value of at least 300 Btu/scf on 4 occasions for at least 1 hour from July 8, 2006 through May 10, 2007 [FOP O-02370; NSR 46305].
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 FOP O-02370 SC 1A OP
 FOP O-02370 SC 5 OP
 NSR 46305 SC 3E PA
 Description: Failure to equip an open-ended line in VOC service with a plug [FOP O-02370; NSR 46305]. Category C10.
 Date: 03/25/2008 (610630) CN600303614

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2114, ST&C 15 OP
Permit 37063, SC 11E PERMIT
Permit 6517A, SC 1E PERMIT

Description: Failure to cap or plug open-ended lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18
5C THSC Chapter 382 382.085(b)
FOP O-2114 ST&C 15 OP
Permit 37063 OP

Description: Failure to operate Flares in compliance with the 300BTU/scf standard

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.117(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2114 ST&C 15 OP

Description: Failed to submit the required Post Change Notification within 30 days relating to Flare # SYS-740

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
FOP O-2114 ST&C 15 OP

Description: Failed to report the failure to submit a post change notification in the earlier deviation report for the reporting period of February 1, 2006 through July 31, 2006

Date: 03/28/2008 (609856) CN600303614

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1066(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 14 OP

Description: Failure to notify TCEQ prior to EMAX tank inspection.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP

Description: Failure to maintain emissions within the MAERT.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC (1)(J)(iv) OP

Description: Failure to repair leaking component within required time frame.

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(10)

Description: Failure to record canister change-out after breakthrough.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1095(b)(2)
FOP O-02113 STC 1Gi OP

Description: Failure to conduct monthly monitoring

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.117(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

FOP O-02113 STC 17 OP

Description: Failure to provide 30 days notice prior to changes to facilities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 1(J)(ii) OP

Description: Failure to maintain Net Heating Value greater than 300 btu/scf.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02113 SC 17 OP
FOP O-02113 STC 1(I)(ii) OP
NSR Permit 1504A/PSD-TX-748 SC 16E PA

Description: Failed to maintain a seal on open ended lines.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP
NSR Permit 1504A/PSD-TX-748 PA

Description: Failure to conduct fugitive monitoring on components in VOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 17 OP
NSR Permit 1504A/PSD-TX-748 SC 17A PA

Description: Failure to conduct fugitive monitoring on connectors in VOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02113 STC 1(I)(i) OP

Description: Failure to conduct fugitive monitoring on pumps in benzene service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations.

Date: 07/22/2008 (637042) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
ST&C 12 OP

Description: Failure to control VOC emissions for flare (unit X-902) and heat exchanger (unit H-3030).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 9 PERMIT
ST&C 12 OP

Description: Failure to maintain 95% destruction efficiency of VOC.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 12 OP
 SC 16E PERMIT
 ST&C 1A OP
 Description: Failure to seal open-ended lines that are in VOC service.
 Date: 07/30/2008 (686471) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to submit semiannual Deviation report within 30 days of the reporting period.
 Date: 02/06/2009 (758946) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 02/10/2009 (703395)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2 PERMIT
 Special Condition 3(E) PERMIT
 Special Terms and Conditions 1(A) OP
 Special Terms and Conditions 5 OP
 Description: Failure to seal open-ended lines with a cap, plug, blind flange, or a second valve.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2 PERMIT
 Special Condition 8(A) PERMIT
 Special Terms and Conditions 1(A) OP
 Special Terms and Conditions 5 OP
 Description: Failure to meet the BTU/scf heating value for the flare (EPN 1799-20) for a total of 13 hours from December 14, 2007 through June 17, 2008.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2 PERMIT
 Special Terms and Conditions 1(A) OP
 Special Terms and Conditions 5 OP
 Description: Failure to properly control VOC emissions from intermittent vents.
 Date: 02/13/2009 (721112) CN600303614
 Self Report? NO Classification: Moderate
 Citation: 1504A, SC 1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02113, SC 17 OP
 Description: Failure to comply with MAERT limits.
 Self Report? NO Classification: Minor

Citation: 1504A, SC 16E PERMIT
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 O-02113, SC 17 OP
 Description: Failure to plug/cap all open ended lines (C10).
 Self Report? NO Classification: Minor

Citation: 1504A, SC 16F PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02113, SC 17 OP
 Description: Failure to conduct LDAR on all components
 Self Report? NO Classification: Moderate

Citation: 1504A, SC 11A PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 O-02113, SC 17 OP
 Description: Failure to maintain BTU value in flare header per specifications in 40 CFR 60.18.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 O-02113, GC 1 OP
 Description: Failure to include all deviations in the deviation report.
 Self Report? NO Classification: Minor

Citation: 1504A, SC 11B PERMIT
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)
 5C THSC Chapter 382 382.085(b)
 O-02113, SC 17 OP
 Description: Failure to maintain a continuous pilot monitoring record.
 Self Report? NO Classification: Minor

Citation: 1504A, GC 1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02113, SC 17 OP
 Description: Failure to maintain proper operating temperature in Light Pyrolysis Fuel Oil tank.
 Date: 04/02/2009 (735904) CN600303614
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 1 PERMIT
 Description: Failure to prevent unauthorized emissions. This event occurred due to operations failure to check the inventory of the propylene surge drum residual below the sight glass.
 Date: 05/26/2009 (774848) CN600303614
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 07/09/2009 (737095)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 19E PERMIT

SC 1A OP

Description: Failure to maintain a seal on open ended lines. Four open ended lines were reported in the August 8, 2008 deviation report and two open ended lines were reported in the December 18, 2008 deviation report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.241(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a renewal application for Permit No. O-02116 within 180 days of the permit expiration date. The permit expiration date was January 12, 2009. A permit application was required by July 6, 2008, but was not submitted until December 19, 2008. This constitutes a violation of 30 TAC 122.241(b) which requires renewal applications to be submitted in a timely manner which is defined by 30 TAC 122.133(2) as at least six months before the permit expiration date.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A OP
SC 9 OP

Description: Failure to adhere to the HRVOC monitoring requirements of the permit between September 22, 2008 and October 9, 2008 due to a blockage in the cooling water sample filter to the HRVOC analyzer. This constitutes a violation of 30 TAC 115.764(a)(2) which requires the regulated entity to "install, calibrate, operate, and maintain a system to continuously determine the total strippable volatile organic compound (VOC) concentration at each inlet of each cooling tower."

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
SC 1A OP
SC 9 OP

Description: Failure to comply with the NOx and CO tons per year limits of the MAERT. The deviation report dated August 8, 2008 notes that the 2007 NOx level of 4.84 tons per year exceeded the limit of 2.39 tons per year and that the 2007 CO level of 34.72 tons per year exceeded the limit of 12.15 tons/year. This constitutes a violation of Permit No. 19027 Special Condition No. 1 which states, "the facilities covered by this permit are authorized to emit subject to the emission rate limits of that table."

Date: 08/26/2009 (744253)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #16E PERMIT
Special Terms and Conditions #12 OP
Special Terms and Conditions #1A OP

Description: Failure to seal eleven open ended lines containing volatile organic compounds. (CATEGORY C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions #1A OP

Description: Failure to prevent EPN H-602 from emitting carbon monoxide in excess of 400 ppm (CATEGORY B19(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PERMIT 2426C, SC#9 PERMIT
Special Terms and Conditions #12 OP

Description: Failure to maintain incinerator ZZ-702 95% destruction efficiency for waste

gases (CATEGORY B19(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report in previous deviation report dated May 8, 2008, routing of ZZ-702 vent gases to H-3030 incinerator. (CATEGORY C4)

Date: 10/23/2009 (767508) CN600303614

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 8A PERMIT
Special Term and Condition 1A OP
Special Term and Condition 6 OP

Description: Failed to maintain the net heating value on the flare VE-9003 (EPN: 1799-20) on 10/11/2008 at approximately 1000.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 6 OP

Description: Failed to maintain the emissions of NOX and CO during the 6/1/2008 through 5/31/2009 semi annual deviation period on flare, FS-9004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report as a deviation in the semi annual deviation report dated 12/19/2008 the exceedance of NOX and CO on flare FS-9004.

Date: 11/23/2009 (781525) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions from Ethylene Unit 1592

Date: 11/30/2009 (827781) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 12/22/2009 (747534) CN600303614

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Conditions No. 11 E PERMIT
Special Terms and Conditions No. 15 OP

Description: Failure to seal open ended lines in VOC and HRVOC services from August 1, 2007 through January 31, 2008

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition No. 6D PERMIT
 Special Terms and Conditions No. 15 OP
 Description: Failure to prevent visible emissions from Flare Z-101 on August 31, 2007
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to maintain a continuous pilot monitoring records
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failed to maintain the firebox temperature of process heater H-530 above the minimum temperature of 758 °F on July 14, 2008
 Self Report? NO Classification: Minor
 Citation: Special Condition No. 6C PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Terms and Conditions No. 15 OP
 Description: Failed to maintain pilot flame lit at all times
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Conditions No. 6A PERMIT
 Special Terms and Conditions No. 15 OP
 Description: Failed to maintain the flare net heating value above 300 Btu/scf
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(d)(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failed to maintain documentation for environmental car seals
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition No. 7 PERMIT
 Special Terms and Conditions No. 15 OP
 Description: Failed to maintain the flow to Absorber T-101 at 5,000 lb/hr on August 23-24, 2007 during maintenance activity.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.703(b)(2)(ii)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failed to replace a missing car seal on the T-420 vent to D-531 on December 1, 2007
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failed to close the hatch of the G-202B API separator
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Conditions No. 1 PERMIT
 Special Terms and Conditions No. 15 OP
 Description: Exceeded the permitted annual VOC, CO, and NOx limits
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failed to report exceedances and pilot outage in deviation reports
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Conditions No. 8 PERMIT
 Special Terms and Conditions No. 15 OP

Description: Failure to maintain and update monthly emissions record of calculated emissions of VOC from all loading operations over the previous rolling 12 months.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Conditions No. 10B PERMIT
 Special Terms and Conditions No. 15 OP

Description: Exceeded the pump rate (P-805) during the loading of butene from TK-12 into a railcar at 24,000 gallons per hour.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition No. 1 PERMIT
 Special Terms and Condition No. 15 OP

Description: Exceeded the permitted 0.55 tons NOx limits and the 1.11 tons CO limit from Flare SYS-740 during this compliance period.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failed to report NOx and CO exceedances from Flare SYS-740 in deviation reports dated February 29, 2008 and August 27, 2008.
 Date: 03/31/2010 (781136)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 18E PERMIT
 Special Term and Condition 17 OP
 Special Term and Condition 1A OP

Description: Failure to maintain a cap, blind flange, plug or second valve on all open ended lines. (Category C10 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11A PERMIT
 Special Term and Condition 17 OP

Special Term and Condition 1A OP
Description: Failure to maintain a minimum of 300 BTU for flares CB-701 and CB-710. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1 PERMIT
Special Term and Condition 17 OP

Description: Failure to maintain emissions for EPN 1592-72 below the permitted VOC limit of 0.02 lbs/hr. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 17 OP

Description: Failure to maintain CO emissions for furnace BA-112 below the permit limit of 20.49 lbs/hr. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to maintain vapor tight operations for water separators FB-204 and FB-862. (Category C4 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(i)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 13B OP

Description: Failure to conduct quarterly inspections of all drains and water seal controls. (Category C1 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12C PERMIT
Special Term and Condition 17 OP

Description: Failure to change the carbon drum with in 24 hours of the outlet reading exceeding 20 ppm. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12D PERMIT
Special Term and Condition 17 OP

Description: Failure to maintain records of the date and time carbon canisters were changed out following breakthrough of the first bed. (Category C3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviations. (Category B3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 11B PERMIT
Special Term and Condition 17 OP
Special Term and Condition 1A OP

Description: Failure to maintain flare pilot monitors for a four hour period for flare CB-701. (Category C1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11B PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 17 OP
 Description: Failure to maintain a flare pilot at all times for flare CB-701. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11C PERMIT
 Special Term and Condition 17 OP
 Special Term and Condition 1A OP
 Description: Failure to limit visible emissions to less than five minutes within a two hour period from flare CB-701. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 21 PERMIT
 Special Term and Condition 17 OP
 Description: Failure to monitor fuel gas composition at least once a week. (Category C1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Description: Failure to maintain ammonia emissions below the rolling 24 hour limit of 10 ppm. (Category B19(g)(1) violation)

Date: 05/07/2010 (790365) CN600303614

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 16E PERMIT
 ST&C 12 OP
 ST&C 1A OP
 Description: Failure to seal 12 Open-ended lines during the certification period of November 4, 2004 until October 31, 2009 (Category C10 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 ST&C 12 OP
 Description: Failure to maintain the annual limit for VOC on UNIT ID X-901 during the certification period of November 4, 2008 until October 31, 2009 (Category B.19.g.1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 9 PERMIT
 ST&C 12 OP
 Description: Failure to route all HRVOC and/or other organic compound waste gases from existing storage bins (V-379, 380, 381, and 382) to the Catalytic Incinerator

ZZ-702 (EPN-1742-4A) (Category B19(g)(1) violation)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.131(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(f) 5C THSC Chapter 382 382.085(b) ST&C 1A OP		
Description:	Failure to maintain the vapor pressure of PEU 1792 API Separator (UNIT ID G-214) below 0.5 psia (Category B19(g)(1) violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST&C 1A OP		
Description:	Failure to maintain 98% of the daily flare observation records from January 1, 2008 through December 31, 2008 (Category B3 violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2445 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(b)(4) 5C THSC Chapter 382 382.085(b) ST&C 10 OP		
Description:	Failure to submit the MON periodic report by the regulatory due date of August 30, 2009 (Category B3 violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) GT&C OP		
Description:	Failure to report all instances of deviations (Category B3 violation)		
Date:	05/26/2010	(800984)	CN600303614
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THSC Chapter 382 382.085(b) General Provisions PERMIT		
Description:	Chevron failed to prevent the release of unauthorized emissions from the E-439 Depropanizer reboiler.		
Date:	09/01/2010	(843697)	CN600303614
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT		
Description:	Failure to prevent unauthorized emissions. Specifically, Chevron failed to prevent unauthorized emissions from a low point bleed valve following a maintenance activity.		
Date:	10/19/2010	(844282)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Special Condition No. 1 PERMIT		
Description:	Failure to prevent unauthorized emissions. Chevron Phillips failed to operate the Ethylene Recycle Compressor (GB-450) within the manufacturer's recommended operating parameters, which caused the seal to fail.		
Date:	11/10/2010	(860416)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT		
Description:	Failure to prevent unauthorized emissions. Specifically, Chevron failed to prevent moisture in the instrument air system which damaged a pneumatic transmitter, causing the emissions event.		
Date:	03/10/2011	(877580)	CN600303614
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A)		

5C THSC Chapter 382 382.085(b)
O-02114 General Terms and Conditions OP
Description: Failure to report all deviations during the correct deviation reporting period. (Category C3 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(d)(2)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to maintain documentation for car seal maintenance. (Category C3 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 6C PERMIT
Special Term and Condition 15 OP
Special Term and Condition 1A OP

Description: Failure to maintain flare pilot light resulting in loss of pilot light. (Category B19(g)(1) violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 11E PERMIT
Special Term and Condition 15 OP
Special Term and Condition 1A OP

Description: Failure to maintain a cap or plug on a line, resulting in an open ended line. (Category C10 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Term and Condition 15 OP

Description: Failure to maintain the firebox temperature above minimum temperature requirement. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to keep roofs floated on floating roof tanks. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 15 OP

Description: Failure to properly represent maximum fill rate for pump P-805 in NSR 37063. (Category B19 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 6A PERMIT
Special Term and Condition 15 OP
Special Term and Condition 1A OP

Description: Failure to maintain the minimum net heating value of waste gas to the flares above 300 BTU/scf for flares EPN 129 (Z-251) and 1798-22 (Z-1101) and below 845 BTU/scf for EPN 136 (SYS-740). (Category B19(g)(1) violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6D PERMIT
 Special Term and Condition 15 OP
 Special Term and Condition 1A OP
Description: Failure to maintain the flare resulting in a smoking flare. (Category C4 violation)
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term and Condition 15 OP
Description: Failure to stay within the Maximum Allowable Emission Rates in tons per year (TPY) for NOx, VOC and CO. (Category B13 violation)
Date: 07/26/2011 (936808) CN600303614
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Terms and Condition 11 OP
Description: Chevron Philips failed to detect a leak on railcar CHVX195006. (Category B13)
Date: 07/28/2011 (922486) CN600303614
Self Report? NO **Classification:** Minor

Citation: O-02115 STC 2F OP
 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Description: Failure to report a reportable emissions event to Harris County (C3).
Date: 08/26/2011 (877745) CN600303614
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 12(D)(3) PERMIT
 ST&C 17 OP
Description: Failure to maintain a record of the date and time that the carbon adsorption canisters were changed on November 3, 2009. (Category C 3 violation)
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
 SC 18E PERMIT
 ST&C 17 OP
 ST&C 1A OP
Description: Failure to maintain a cap, blind flange, plug, or second valve on all open ended lines. (Category C10 violation)
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC11(C) PERMIT
 ST&C 17 OP
Description: Failure to prevent visible emissions from flare CB-701 on September 21, 2009. (Category B.19.g.1 violation)
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(1)
 5C THSC Chapter 382 382.085(b)
 ST&C 13(B) OP

Description: Failure to maintain a sealed cap or plug on a sewer hub from May 7, 2010 through July 6, 2010. (Category C4 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
ST&C 17 OP

Description: Failure to operate furnace, Unit ID BA-117, within the permitted NOx lbs/hr limit on October 23, 2009, December 18, 2009, December 18-19, 2009, December 20, 2009, and January 8, 2010. (Category B.19.g.1 violation)

Date: 08/31/2011 (899791) CN600303614

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 14 PERMIT
Special Term and Condition 7 OP

Description: Failure to maintain firebox exit temperature above the minimum limit of 850 degrees F. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.786(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to conduct weekly audible, visual, and olfactory inspections for EPN 1796-12A. (Category C1 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the compliance period of December 1, 2009 through November 30, 2010. (Category C3 violation)

Date: 09/09/2011 (950771)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 OP
ST&C 8 OP

Description: Failure to prevent unauthorized emissions. Specifically, Chevron Phillips failed to prevent the tripping of the GB-202 compressor.

F. Environmental audits.

Notice of Intent Date: 03/05/2007 (555111)

Disclosure Date: 08/20/2007

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)

Rqmt Prov: PERMIT Title V Operating Permit O-2113

Description: Failure to sample benzene contaminated wastewater with chilled sampling system.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(C)(i)(III)
30 TAC Chapter 115, SubChapter H 115.783(3)(A)(ii)
30 TAC Chapter 115, SubChapter H 115.786(c)

Rqmt Prov: PERMIT Title V Operating Permit O-2113

Description: Failure to maintain records for past leaks, leak repair and extraordinary repair of pump GA-465.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263

Rqmt Prov: PERMIT Title V Operating Permit O-2113

Description: Failure to limit use of temporary maintenance controls of the GA-465 pump to 180 days.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725

30 TAC Chapter 115, SubChapter H 115.726

Rqmt Prov: PERMIT Title V Permit O-2113

Description: Failure to monitor/test and maintain records for the carbon be series vent at the GA-465 pump.

Notice of Intent Date: 02/11/2009 (739326)

No DOV Associated

Notice of Intent Date: 05/05/2009 (746986)

Disclosure Date: 06/24/2009

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.565(c)(1)

Rqmt Prov: PERMIT NSR Permit No. 19027

Description: Failure to ensure the catalytic incinerator temperature is in compliance with limits under 40 CFR 60.565(c) and to ensure the fire box temperature requirements are met during performance tests.

Notice of Intent Date: 04/16/2010 (801342)

No DOV Associated

Notice of Intent Date: 11/23/2010 (894468)

No DOV Associated

Notice of Intent Date: 03/28/2011 (922120)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CHEVRON PHILLIPS CHEMICAL	§	
COMPANY LP	§	
RN103919817	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-1807-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chevron Phillips Chemical Company LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical plant at 9500 Interstate 10 East in Baytown, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review on July 25 through August 4, 2011, TCEQ staff documented that the Respondent failed to maintain a minimum net heating value of 300 British thermal units per standard cubic foot ("Btu/scf") on Flare CB-710 on August 27, 2009. From 6:00 a.m. to 6:59 a.m., the hourly average heating value was 121 Btu/scf.
4. During a record review on July 25 through August 4, 2011, TCEQ staff documented that the Respondent failed to report two deviations in the semi-annual deviation report dated February 25, 2010 for the August 1, 2009 through January 31, 2010 reporting period.
5. During a record review on July 25 through August 4, 2011, the Respondent failed to comply with the butadiene feedstock pump Unit ID No. 1592-72 hourly maximum allowable emission rate ("MAER") for volatile organic compounds ("VOC"). Specifically, from September 3, 2009 through June 22, 2010, the VOC hourly MAER of 0.02 pounds per hour ("lb/hr") was exceeded for 88 hours.
6. During a record review on July 25 through August 4, 2011, the Respondent failed to comply with the Furnace Unit ID Nos. BA-105 and BA-110 MAER for carbon monoxide ("CO") of 20.49 lb/hr. Specifically, on February 1, 2010, the hourly MAER for Furnace Unit ID No. BA-110 was exceeded for two hours resulting in 36 pounds of excess CO emissions, and on February 19, 2010, the hourly MAER for Furnace ID No. BA-105 was exceeded for one hour resulting in eight pounds of excess CO emissions.
7. The Respondent received notice of the violations on August 30, 2011.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By January 31, 2010, installed an automatic control system to increase methane flow to the flare CB-710 based on the Btu result from the on-line composition analyzer;
 - b. By August 26, 2010, reported the two missed deviations and revised reporting procedures so that the leak detection and repair coordinator runs reports by deviation reporting period rather than standard quarters to ensure deviations are reported in the correct period;
 - c. By March 31, 2011, installed a parallel set of carbon canisters and programmed the alarm at a VOC concentration of 90 parts per million ("ppm"), prior to reaching the permit limit of 100 ppm (which is the concentration equivalent of 0.02 lb/hr) to allow the operators time to switch to a clean set of canisters; and

- d. By August 31, 2010, repaired an oxygen analyzer, programmed a new oxygen correction calculation, and added an alarm to the distributive control system console to provide additional information to operating personnel regarding CO emissions from the furnaces.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to maintain a minimum net heating value of 300 Btu/scf on Flare CB-710 on August 27, 2009, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 115.722(d)(1), 116.115(c), and 122.143(4); New Source Review Permit ("NSRP") Nos. 1504A and PSD-TX-748, Special Conditions ("SC") No. 11.A.; Federal Operating Permit ("FOP") No. O-02113, Special Terms and Conditions ("STC") Nos. 1.A. and 17; 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(3)(ii), and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to report two deviations in the semi-annual deviation report dated February 25, 2010 for the August 1, 2009 through January 31, 2010 reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A); FOP No. O-02113, General Terms and Conditions; and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with the butadiene feedstock pump Unit ID No. 1592-72 hourly MAER for VOC, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4); NSRP Nos. 1504A and PSD-TX-748, SC No. 1; FOP No. O-02113, STC No. 17; and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to comply with the Furnace Unit ID Nos. BA-105 and BA-110 MAER for CO of 20.49 lb/hr, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4); NSRP Nos. 1504A and PSD-TX-748, SC No. 1; FOP No. O-02113, STC No. 17; and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

7. An administrative penalty in the amount of Seventy-Two Thousand Seven Hundred Forty-Eight Dollars (\$72,748) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Thirty-Six Thousand Three Hundred Seventy-Four Dollars (\$36,374) of the administrative penalty. Thirty-Six Thousand Three Hundred Seventy-Four Dollars (\$36,374) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seventy-Two Thousand Seven Hundred Forty-Eight Dollars (\$72,748) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2011-1807-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 7 above, Thirty-Six Thousand Three Hundred Seventy-Four Dollars (\$36,374) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a

violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

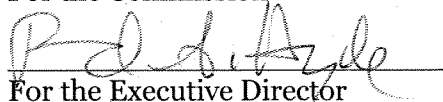
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

3/2/12
Date

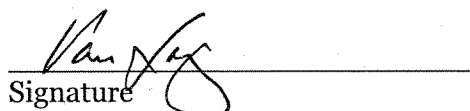
I, the undersigned, have read and understand the attached Agreed Order in the matter of Chevron Phillips Chemical Company LP. I am authorized to agree to the attached Agreed Order on behalf of Chevron Phillips Chemical Company LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Chevron Phillips Chemical Company LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

Dec 19, 2011
Date

Van Long
Name (Printed or typed)
Authorized Representative of
Chevron Phillips Chemical Company LP

Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-1807-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Chevron Phillips Chemical Company LP
Penalty Amount:	Seventy-Two Thousand Seven Hundred Forty-Eight Dollars (\$72,748)
SEP Offset Amount:	Thirty-Six Thousand Three Hundred Seventy-Four Dollars (\$36,374)
Type of SEP:	Contribution to a Pre-approved SEP
Third-Party Recipient:	Houston Regional Monitoring Corporation
Project Name:	HRMC Houston Area Air Monitoring
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the **HRMC Houston Area Air Monitoring**. The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants including approximately 160 volatile organic compounds ("VOC"). Specifically, the Third-Party Recipient shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the National Ambient Air Quality Standards. Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time VOC, nitrogen oxides, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation SEP
c/o Christopher B. Amandes, Vinson & Elkins, LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to complete the project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. The Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that the Project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.